

# United States District Court

MIDDLE

District of

TENNESSEE

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

V.

OSVALDO NIETO-VEGA

Case Number: 3:13-00090-11 and 3:13-00116-1

USM Number: 21636-075

John P. Cauley

Defendant's Attorney

## THE DEFENDANT:

X pleaded guilty to **Count 1 of the Indictment in Case No. 3:13-00116-01 and Count 21 of the Second Superseding Indictment in Case No. 3:13-00090-11.**

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
<b>Case No. 3:13-00116-01:</b> 18 U.S.C. § 1326(a)	Illegal Reentry after Previous Deportation	May 22, 2013	1
<b>Case No. 3:13-00090-11</b> 18 U.S.C. §§641 and 2	Theft of Public Funds	May 22, 2013	21

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

X Counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 20 of the Second Superseding Indictment as well as the underlying Indictment and Superseding Indictment are dismissed on the motion of the United States.

It is ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the Court and United States Attorney of material changes in economic circumstances.

January 8, 2014

Date of Imposition of Judgment

*Kevin H. Sharp*

Signature of Judge

Kevin H. Sharp, United States District Judge

Name and Title of Judge

May 23, 2014

Date

DEFENDANT: OSVALDO NIETO-VEGA  
CASE NUMBER: 3:3:13-00090-11 and 3:13-00116-1

## IMPRISONMENT

**The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 13 months, which shall consist of a term of 13 months in Case No. 3:13-00116 and a term of 13 months in Case No. 3:13-00090, with such terms to be served concurrently with each other.**

\_\_\_\_\_ The court makes the following recommendations to the Bureau of Prisons:

  X   The defendant is remanded to the custody of the United States Marshal.

\_\_\_\_\_ The defendant shall surrender to the United States Marshal for this district:

\_\_\_\_\_ at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_.

\_\_\_\_\_ as notified by the United States Marshal.

\_\_\_\_\_ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

\_\_\_\_\_ before 2 p.m. on \_\_\_\_\_.

\_\_\_\_\_ as notified by the United States Marshal.

\_\_\_\_\_ as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: OSVALDO NIETO-VEGA  
CASE NUMBER: 3 3:13-00090-11 and 3:13-00116-1

### **SPECIAL CONDITIONS OF SUPERVISION**

1. If deported, the Defendant shall not reenter the United States without the express permission of the United States Attorney General or the Secretary of the Department of Homeland Security. Within 24 hours of returning to the United States, the Defendant shall report in person to the nearest U.S. Probation Office.
2. The Defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a residential reentry center at the direction of the Probation Officer. The Defendant shall pay all or part of the cost for substance abuse treatment if the Probation Officer determines the Defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.
3. The Defendant shall furnish all financial records, including, without limitation, earnings records and tax returned, to the United States Probation Office upon request.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on the attached sheet.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	<b>\$200.00 (\$100 each case)</b>	<b>\$</b>	<b>\$</b>

\_\_\_\_\_ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

\_\_\_\_\_ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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<b>TOTALS</b>	\$	\$
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\_\_\_\_\_ Restitution amount ordered pursuant to plea agreement \$\_\_\_\_\_

\_\_\_\_\_ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments sheet may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

\_\_\_\_\_ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

\_\_\_\_\_ the interest requirement is waived for the \_\_\_\_\_ fine \_\_\_\_\_ restitution, as long as Defendant remains in compliance with the payment schedule..

\_\_\_\_\_ the interest requirement for the \_\_\_\_\_ fine \_\_\_\_\_ restitution is modified as follows:

\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A   X   Lump sum payment of \$ 200 (Special Assessment) due immediately, balance due  
           not later than                                 , or  
           in accordance            C,            D,            E, or            F below; or
- B            Payment to begin immediately (may be combined with            C,            D, or            F below); or
- C            Payment in equal                                  (e.g., weekly, monthly, quarterly) installments of \$            over a period of  
                                 (e.g., months or years), to commence                                  (e.g., 30 or 60 days) after the date of this  
judgment; or
- D            Payment in equal                                  (e.g., weekly, monthly, quarterly) installments of \$            over a period of  
                                 (e.g., months or years), to commence                                  (e.g., 30 or 60 days) after release from  
imprisonment to a term of supervision; or
- E            Payment during the term of supervised release will commence within                                  (e.g., 30 or 60 days) after release  
from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at  
that time; or
- F            Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

           Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

           The defendant shall pay the cost of prosecution.

           The defendant shall pay the following court cost(s):

           The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including the cost of prosecution and court costs.